

Order on mandatory energy audits for large enterprises

Chapter 1

Scope and Definitions

§ 1. This Order addresses the following:

- 1) Clarification of the definition of large enterprises.
- 2) Requirements for energy audits and energy- and environmental management systems, including the content, scope, compilation, reporting, verification and application of relevant standards as well as full or partial exemptions from the scope of energy audits for elements covered by other legislation.
- 3) Requirements for experts to ensure the necessary qualifications and performance of energy audits in an independent manner

§ 2. In this Order the following is defined as:

- 1) Large Enterprises: An enterprise that, globally, has at least 250 full-time employees and an annual turnover of at least 50 million euros or an annual balance of at least 43 million euros calculated according to annual financial statements. The definition also applies to public enterprises that operate on market terms. The total number of employees, total turnover and balance sheet for the enterprise including subsidiaries and other enterprises, where the enterprise has over 25% of the ownership or voting rights, is calculated within the enterprise's size. The calculation must be made in accordance with the Commissions Recommendation 2003/361 / EC, Annex 1, Article 3-5.
- 2) Energy Performance: Measurable results of energy efficiency, energy utilization and energy consumption.

Part 2. Definitions of the European Parliament and Council Directive 2012/27 / EU of 25 October 2012 on energy efficiency, Article 2, no. 1, 4, 6, 11-13 and 25 shall apply to this Order.

Chapter 2

Mandatory energy audits

§ 3. Large enterprises and subsidiaries of large enterprises in Denmark and Danish subsidiaries of large, foreign enterprises must by the 5th of December 2015 conduct an energy audit. This should be carried out at least every fourth year from the date of the previous energy audit cf. § 7. A enterprise that only after December 5th 2015 falls within this Orders definition of a large enterprise is to carry out an energy audit within two years after it is defined as being a large enterprise. Energy audits shall comply with the following requirements:

- 1) The energy audit must build upon up to date, measured, traceable operational data on energy consumption including load profiles for electricity.
- 2) Comprise a detailed review of the energy consumption profile of buildings or groups of buildings, industrial operations or installations, including transportation.
- 3) Build, whenever possible, upon a life-cycle cost analysis instead of simple payback periods in order to

take account of the long-term savings, long-term investments, residual values and discount rates.

4) Be proportionate and sufficiently representative to permit the drawing of a reliable picture of the overall energy performance and the reliable identification of the most significant opportunities for improvement.

5) Allow detailed and validated calculations of the proposed measures, so as to provide clear information on potential savings.

6) The data used in energy audits, shall be retained by the enterprise for the purpose of historical analysis and development in energy performance.

Part 2. The Energy Agency shall publish a list of standards that are approved for energy audits on its website www.ens.dk. Other methods of conducting energy audits can be used if there is documentation that the selected method meets the requirements for energy audits, and this documentation is sent in, see.

Part 1. The Energy Agency may establish requirements for the documentation.

§ 4. With reservation to the time limits in § 3, the execution of an energy audit can be distributed over a four year period. If this option is used, it should be noted in the energy audit report when the individual parts of the energy audit have been carried out.

§ 5. A large enterprise may exclude the following from the energy audit:

1) Lesser or insignificant energy consuming elements or systems where the sum of these elements' energy consumption represents at most 10% of its total energy consumption.

2) Elements of the enterprise subject to the BAT conclusions in the context of an environmental permit under the Environmental Protection Act, when BAT conclusions relate to energy consumption.

3) Vessels of less than 5,000 gross tons.

4) Building and civil engineering projects.

Part 2. Enterprises covered by § 3 with a total energy consumption of less than 100,000 kWh/year are exempted from the obligation to carry out energy audits. Supporting evidence shall be submitted to the Energy Agency, see. § 10, stk.3.

§ 6. The energy audits of large enterprises with buildings with a valid energy label based on a building review, under the rules on energy labeling of buildings, can be based on the data for the energy label.

§ 7. Large enterprises meet the requirements of Chapter 2, if they use and maintain an energy management system or an environmental management system that includes an energy review similar to that contained in an energy management system, and is certified by an accredited body in accordance with the relevant European or international standards.

Part 2. If the certification of an enterprise ceases, the Energy Agency is to be notified.

Chapter 3

Qualifications and requirements for experts conducting energy audits

§ 8. An enterprise can make use of external experts to conduct energy audits, if the expert or a group of experts are qualified to conduct energy audits of the enterprise's energy performance, including

buildings or groups of buildings, industrial activities or facilities, and transport, and

- 1) the expert is employed by an enterprise that is accredited by DANAK or an equivalent body to organize energy audits in accordance with international standards, which have been approved, . § 3. Part 2
- 2) the expert is a registered energy consultant or approved under similar schemes recognized by the Energy Agency,
- 3) the expert is an energy labelling consultant employed by a certified energy enterprise in trade and services.

Part 2. The Energy Agency may publish a list of schemes which are recognized in accordance with paragraph. 1 on its website www.ens.dk

§ 9. An enterprise may use its own independent experts to conduct energy audits, if the expert or group of experts meet the requirements of § 8, or if the enterprise can demonstrate that the expert has qualifications equivalent to those mentioned in § 8 by submitting information about the expert's position, education and experience to the Energy Agency. The expert can not be directly involved in activities that are being investigated in the energy audit.

Chapter 4 *Reporting*

§ 10. An energy audit report must meet the following requirements:

- 1) The content of the report should follow the format set out in the approved standards specified in § 3 part 2 or equivalent, demonstrate compliance with § 3, any use of exceptions in §§ 4-6 and compliance with §§ 8 and 9.
- 2) It must specify the expert or group of experts who made the report.
- 3) The report must be written in either Danish or English.
- 4) The report must be signed by a representative from the management of the enterprise.

Part 2. If an enterprise doesn't wish to submit the energy audit report, it may submit a summary documenting that the Orders requirements are met. The Energy Agency may determine requirements for format and content.

Part 3. The report or summary must be submitted to the DEA the first time by the 1st of March 2016 and no later than the 1st of March every fourth year from 2016.

§ 11. Enterprises covered by § 7 must submit the report for certification or re-certification of energy or environmental management in an electronic format to the DEA by the 1st of March 2016 and from there on at the end of the period of the validity of the certificate.

§ 12. The DEA shall publish a list of enterprises that have conducted an energy audit or have a certified energy- or environmental management system at www.ens.dk, on the condition of enterprise acceptance.

Chapter 5 *Entry into force, etc.*

§ 13. This Order shall enter into force on the 25th of November 2014. At the same time, Order no. 846 of the 1st of July 2014 on mandatory energy audits for large enterprises is canceled.

Part 2. Energy audits carried out after 4 December 2012 and before July 1, 2014 shall be considered to meet the requirements of this Order.

Part 3. Enterprises that are certified in accordance with the Transport Authority scheme for green certification of transport, are considered to meet the requirements of Chapter 2 until March 1st 2016, provided documentation is sent to the Energy Agency prior to 5th of December 2015. Thereafter there is a period of two years to comply with the Orders provisions, see. § 3, 2nd sentence.

Part 4. Enterprises that use and maintain an environmental management system at the time of entry into force of this Order, have to comply with the requirements for energy review under § 7, upon renewal of the certificate in order to be exempted from the requirement for mandatory energy audits, see § 3.

Energy Agency, November 19, 2014

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